

Decision 01-11-009 November 8, 2001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation on the Commission's own motion into the operations, practices, and conduct of Qwest Communications Corporation (Qwest), U-5335-C and its wholly owned subsidiary, LCI International Telecommunications Corporation, doing business as Qwest Communications Services (LCIT), U-5270-C to determine whether Qwest and LCIT have violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another and billed for long distance telephone services.

Investigation 00-11-052  
(Filed November 21, 2000)

**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is November 20, 2001. For reasons explained below, the deadline cannot be met.

After the proceeding was submitted, Qwest Communications Corporation (Qwest) made a series of motions to take official notice of certain filings in other proceedings, which filings, according to Qwest, affect key evidence offered by the Consumer Services Division (CSD) in this case. CSD strenuously opposes these motions. Qwest's first motion is dated August 17, 2001. On August 29, 2001, the Administrative Law Judge issued a ruling setting aside

submission to consider the August 17 motion. No rulings have issued with respect to the other motions. CSD is not required to respond to Qwest's latest (September 28) motion until October 15. (A list of all the filings from August 17 is attached hereto as Appendix A.) Given the recent motions, an extension beyond the 12-month deadline is necessary in order for the Commission to resolve this matter. We anticipate that the Presiding Officer's Decision will issue no later than 60 days from the 12-month deadline.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

### **Findings of Fact**

1. This proceeding was initiated on November 21, 2000.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before November 20, 2001, unless this date is extended.
3. The current schedule allows insufficient time to resolve this proceeding before the 12-month statutory deadline runs.
4. Given the recent filings listed in Appendix A, an extension beyond the 12-month deadline is necessary in order for the Commission to resolve this matter.
5. Public review and comment regarding today's decision should be waived.

### **Conclusion of Law**

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, until further order.

**O R D E R**

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding, November 20, 2001, is extended until further order.

This order is effective today.

Dated November 8, 2001, at San Francisco, California.

LORETTA M. LYNCH

President

RICHARD A. BILAS

CARL W. WOOD

GEOFFREY F. BROWN

Commissioners

Commissioner Henry M. Duque, being necessarily absent, did not participate.

**APPENDIX A**

<b><u>Date</u></b>	<b><u>Filing</u></b>
8/17/01	Qwest's Emergency Motion to Take Official Notice
8/22/01	CSD's Response to Qwest's 8/17 Motion
8/30/01	Qwest's Emergency Motion to Take Official Notice of Pacific Bell's Response to CSD's Compliance Filing
8/31/01	Qwest's Request to Withdraw It's 8/30 Motion
9/6/01	Qwest's Refiled Emergency Motion to Take Official Notice of Pacific Bell's Response to CSD's Complainece Filing
9/21/01	CSD's Response to Qwest's 9/6 Motion
9/28/01	Qwest's Petition to Set Aside Submission in Order to Strike Evidence or Order an Issue Sanction
10/15/01	CSD's Response to Qwest's 9/28 Petition Due

**(END OF APPENDIX A)**